

## BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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IN THE MATTER OF ILEC UNBUNDLING  
OBLIGATIONS AS A RESULT OF THE  
FEDERAL TRIENNIAL REVIEW ORDER

DOCKET NO. T-00000A-03-0369

**STAFF REQUEST FOR A PROCEDURAL ORDER**

The Arizona Corporation Commission ("ACC" or "Commission") Staff respectfully requests that the Commission issue a Procedural Order seeking comment on the issues set forth below following release of the Federal Communications Commission's ("FCC's") Report and Order and Further Notice of Proposed Rulemaking ("Triennial Review Order") in CC Docket No. 01-338.

The FCC recently adopted new rules concerning Incumbent Local Exchange Carriers' ("ILECs") obligations to make elements of their networks available on an unbundled basis to new entrants. The FCC Triennial Review Order is expected to address many important issues including the availability of the local circuit switching component of UNE-P for both residential and business customers; packet switching, signaling networks, call-related databases, OSS functions, mass market loops, line sharing, hybrid loops, fiber-to-the-home ("FTTH") loops, enterprise market loops, subloops, network interface devices, dedicated interoffice transmission facilities, shared transport, combinations of network elements, commingling, service eligibility for enhanced extended loops (EELS), modification of existing network/no facilities issues as well as other issues.

At a minimum, under the framework adopted by the FCC, it is anticipated that States will have 90 days to rebut a national presumptive finding of no impairment if the local circuit

1 switching component on high-capacity loops such as DS-1 is no longer available to business  
2 customers. The States will have nine months to determine whether, if local circuit switching for  
3 mass market customers is not available, that economic and operational impairment exists in a  
4 particular market.

5 Staff believes that it is important that comments be solicited on the 90 day proceeding as  
6 soon as possible after the release of the FCC Order. Therefore, Staff believes that it would be of  
7 assistance to the Commission, if interested parties submitted comment on the issues related to the  
8 90 day proceeding set forth below following release of the FCC's Triennial Review Order:

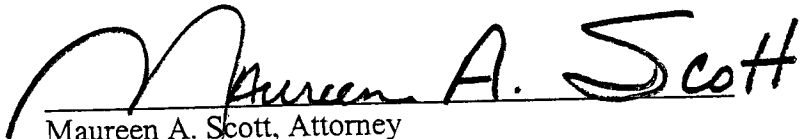
- 9 1. What issues pertaining to the 90 day proceeding will need to be addressed as  
10 a result of the FCC's Order? Please describe any issues identified in detail.
- 11 2. Please provide substantive comments on the presumptive finding of no  
12 impairment for local circuit switching on high-capacity loops such as DS-1  
13 for business customers. These substantive comments should include  
14 any information that you believe rebuts the presumptive finding of no  
15 impairment for not providing local circuit switching as a UNE on high-  
16 capacity loops such as DS-1 for business customers.
- 17 3. If there are any other issues that the Commission must resolve within the  
18 90 day time frame please provide substantive comment on those issues as  
19 well.
- 20 4. For the 90 day proceeding, what process and schedule should the  
21 Commission use to implement the FCC's Triennial Review Order, i.e.,  
22 contested case process, comment and workshop process or merely a paper  
23 comment process? If you believe that a contested case process is  
24 necessary, please identify any disputed issues of material fact that would  
25 need to be addressed in any evidentiary proceeding conducted by the  
26 Commission. Are some issues more time sensitive than others? Please  
27 identify any issues that are time sensitive and discuss your responses in  
28 detail.

- 1 5. For the issues in the 90 day proceeding, please describe what you believe  
2 is or should be, the procedural relationship between the 90-day proceeding  
3 involving the enterprise market and the nine month proceeding for the  
4 "mass market".
- 5 6. Are any rule changes required to the Arizona Administrative Code as a  
6 result of the FCC's Triennial Review Order? For the issues in the 90 day  
7 proceeding, are any rulemaking proceedings advisable as a result of the  
8 FCC's Triennial Review Order?
- 9 7. Please comment on any other issues related to the 90 day proceeding you  
10 believe to be relevant to the ACC's implementation of the FCC's Triennial  
11 Review Order.
- 12 8. Should the Commission address all of the issues relating to the 90 day and  
13 9 month proceedings within this docket?
- 14 9. Should the Commission use the same process you identified in response to  
15 Question No. 4 in both the 90 day and nine month proceedings?
- 16 10. Please also indicate in which of the proceedings you intend to actively  
17 participate.

18 ACC Staff respectfully requests that the Commission allow parties 20 days from the date  
19 the FCC's Triennial Review Order is released to submit comment on the above questions.

20 In conclusion, the ACC Staff respectfully requests that the Commission issue a  
21 procedural order consistent with the discussion set forth above.

22 RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of June, 2003.

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1 The original and thirteen (13) copies  
2 of the foregoing were filed this  
3 10<sup>th</sup> day of June, 2003 with:

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8 Copies of the foregoing were  
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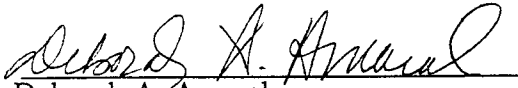
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